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WAR FOOD ADMINISTRATION  
Food Distribution Administration  
Washington 25, D. C.

January 14, 1944

SPECIAL COMMODITIES BRANCH MEMORANDUM NO. 13

Supplement J

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To: All Divisions and Sections, Special Commodities Branch

From: H. C. Albin, Chief, Special Commodities Branch

Subject: Compliance Procedure

U. S. DEPARTMENT OF AGRICULTURE

Recent Director's Memoranda and Compliance Branch Memoranda have established a procedure for handling compliance with Food Distribution Orders.

Food Order Education in Washington is the responsibility of the Commodity Branches and the Marketing Reports Division, while voluntary compliance activities in Washington are the sole responsibility of the Commodity Branch. Responsibility for enforcement is vested in the Compliance Branch (Director's Memorandum No. 42, Revision 1, Supplement 2).

#### 1. Voluntary Compliance Activities

The cases discussed under this heading are those which require no investigation.

##### A. Education

After full coverage has been given to the industry of the Food Distribution Orders, Questions and Answers, Summaries, etc., it is the responsibility of the Order Administrator to write letters of explanation of the Order to any companies, where it appears likely that the Order is not fully understood.

##### B. Warning Letters

Where it appears from an explanation of reports required by the FDO, or from any other reliable source, that a company has committed minor violations of the Order, the Order Administrator may write to the company, verifying the facts of the violation and asking for an explanation. If the company admits the violation, the explanation appears plausible, and the Order Administrator is satisfied the violation does not warrant an investigation, then he may prepare a warning Letter for his own signature (Warning Letter should not be signed until returned by the Compliance Branch) addressed to the violator, calling his attention to the violation and warning him that a repetition of the violation may lead to



administrative sanctions or criminal prosecution. A saving clause must be inserted in the letter as indicated in Director's Memorandum No. 42, supplement 5, 2nd paragraph. For uniformity in language, it is suggested that copies of previously approved Warning Letters on file in the Office of the Chief of the Operational Planning and Services Division, be examined. Warning Letters should be prepared in the regular number of copies of any memorandum, plus two additional white copies marked for Compliance Branch (one copy will be forwarded by Compliance Branch to the proper Regional Office and the other copy will remain in Compliance Branch files in Washington). It is expected that the Order Administrator will be vigilant in scrutinizing future activities to see that the violating company is adhering strictly to the Order. The Order Administrator and Chief of the Division, after initialing the yellow copy of the Warning Letter, should send the file and the Warning Letter to the Chief of the Operational Planning and Services Division for control purposes. The file and letter will then be forwarded to the Chief of the Compliance Branch for concurrence. If he approves he will initial the yellow copy, and will return the file and Warning Letter to the Chief, Operational Planning and Services Division for transmittal to the Order Administrator. The latter will thereupon date, sign and mail the Warning Letter, and forward two copies thereof to the Compliance Branch.

#### C. Adjustment Letters

Where a minor violation of a FDO is discovered and a letter sent to the violator for verification of facts, the Order Administrator, upon receipt of a reply from the violator, may elect to write a letter to the violator, inviting him to make proposals for a compensatory adjustment. The procedure for issuing an adjustment letter is identical to that set forth for issuing Warning Letters. Copies of previously approved adjustment letters may be examined in the Office of the Chief of the Operational Planning and Services Division. The theory and procedure for issuing an adjustment letter are set out in Director's Memorandum No. 42, Supplement 5.

In the conservation orders administered by this Branch it probably will be more effective to issue an adjustment letter rather than a warning letter, while on our fish set-aside order the Warning Letter probably will be more suitable.

### II. Enforcement

The procedure outlined in this section involves cases that require investigation.

#### A. Referral of Cases to Compliance Branch

When a violation is brought to the attention of an Order Administrator, which in his opinion is sufficiently serious to require an investigation, the procedure as outlined below will be followed.



The Order Administrator shall:

1. Prepare Form FDA-355 (original and 3 copies) setting forth all information pertinent to the violation.
2. Sign all copies of the form.
3. Attach a set of copies of all pertinent correspondence concerning the violation to each copy of Form FDA-355.
4. Forward the completed form with all copies and attachments to the Chief of the Division.

The Division Chief shall initial one copy of the form and forward the complete file to the Chief of the Operational Planning and Services Division.

The Operational Planning and Services Division will set up a control for following the case and keeping the Order Administrator advised of developments. The Chief of the Operational Planning and Services Division shall initial the same copy of the form which was initialed by the Chief of the commodity division and return that copy to the Order Administrator. The original and two copies of the form will be forwarded to the Chief of the Compliance Branch.

Any supplemental information submitted on a case to Compliance Branch should be in memorandum form from the Order Administrator to Chief, Compliance Branch in an original and three copies for routing as indicated above.

#### B. Disposal of Cases

All of the Food Distribution Orders handled by this Branch have been classified as "nonregionalized", which means that all investigative reports must be reviewed by the Commodity Branch in Washington and a recommendation written before the Regional Office may dispose of a case. Therefore, in the future, each Order Administrator will receive a copy of the investigative report, regardless of whether he requested the investigation or whether it originated in the field, and he will be expected to write a memorandum to Chief of Compliance Branch, recommending disposition of the case.

The Order Administrator may recommend the following types of disposition of compliance cases:

1. Dismissal of case
2. Warning letter
3. Adjustment Letter
4. Suspension Order
5. Injunction
6. Criminal Prosecution

In making the recommendation the Order Administrator should indicate the reason for the recommendation and point out any



information that may be of value to the Regional Director in making the final decision as to disposition of the case. This recommendation should be in memorandum form from the Order Administrator to the Chief of the Compliance Branch in an original and three copies, and routed in the same manner as other compliance matters indicated previously.

The Operational Planning and Services Division shall act as a focal point for all compliance cases and shall maintain liaison activities with the appropriate Divisions in the Compliance Branch. Arrangements have been made with the Compliance Branch for all reports and memoranda pertaining to Special Commodities Branch cases to be forwarded to the Operational Planning and Services Division.

This memorandum supersedes Special Commodities Branch Memoranda Nos. 13 Supplement D and 13 Supplement D (Revision 1) which should be removed from the manual. Any other Special Commodities Branch memoranda which conflict with these instructions are superseded to the extent of such conflict.

/s/ H. C. Albin



WAR FOOD ADMINISTRATION  
FOOD DISTRIBUTION ADMINISTRATION

## INSTRUCTIONS

FOUR COPIES OF THIS FORM MUST BE SUBMITTED MONTHLY. THE [REDACTED] MUST BE FILLED OUT IN INK, INDELIBLE PENCIL, OR WITH TYPEWRITER. CARBONS ARE SATISFACTORY FOR THE COPIES. SIGN ORIGINAL ONLY (INK OR INDELIBLE PENCIL).

This report must be made within 5 days after the close of the month for each operating program. Each school or child-care center will transmit the report to the sponsoring agency signing the agreement with the Food Distribution Administration. If the sponsoring agency has programs in more than one school and/or child-care center, a combined report must be made on this form covering all operations under the agreement. This combined report will be made by totaling the number of meals, etc., from all the individual programs under the sponsoring agency's agreement. This form constitutes the sponsoring agency's claim for payment, and must be made up strictly in accordance with the following instructions:

Line 1.—For individual program reports, show exact name of school or child-care center. For sponsoring agency's combined report of several programs show separately number of schools and child-care centers rather than names.

Line 2.—Show name and full address of sponsoring agency and FDA agreement number exactly as they appear in the agreement.

Line 3.—On combined sponsor's report, leave this line blank.

*Line 4.—For individual program reports, show price per meal charged to the greatest number of children. On combined sponsor's report, leave this line blank.*

Lines 5, 6, and 7.—For individual program reports, show number of meals served in each category during the month, divided by number of days meals were served. Do not include meals served without charge in Line 6. For combined sponsor's report, show the sum of the entries on the corresponding line of the individual program reports.

Line 8.—Show number of meals served by type. (Individual program reports will not show both A and B types, but sponsoring agency's combined report of several programs will show total number of meals of all types served under its agreement.)

Line 9.—Amount claimed will be the number of meals served multiplied by rate per meal, but not to exceed purchase cost of foods designated in the agreement used during the month.

*Certification.*—Individual program reports will be signed only by the program supervisor in the space indicated. Only the combined report of all programs operating under one agreement will be certified by the sponsoring agency on the lines indicated.

The sponsoring agency's name in the certification must appear exactly as it does in the agreement. The autograph signature (in ink or indelible pencil) of the person signing for the sponsoring agency will appear on the second line of the certification and his title on the third line.

Four copies of the sponsoring agency's combined report (each with reports from individual programs attached, if sponsor operates more than one program) shall be forwarded not later than 10 days after the close of the month to the State office of the Food Distribution Administration.

WAR FOOD ADMINISTRATION  
FOOD DISTRIBUTION ADMINISTRATION

COMMUNITY SCHOOL LUNCH PROGRAM  
REPORT AND CERTIFICATION OF PURCHASES

During \_\_\_\_\_  
(Month) \_\_\_\_\_ (Year) \_\_\_\_\_

*(See Instructions on the Reverse Side)*

1. Name of school or child-care center \_\_\_\_\_

2. Sponsoring agency \_\_\_\_\_  
(Name) \_\_\_\_\_

Mailing address \_\_\_\_\_  
(Street and number or R. F. D. number) \_\_\_\_\_

(City) \_\_\_\_\_ (County) \_\_\_\_\_ (State) \_\_\_\_\_

FDA Agreement No. \_\_\_\_\_

3. Number of days meals were served \_\_\_\_\_

4. Prevailing charge per meal to children \_\_\_\_\_

5. Average daily number meals served \_\_\_\_\_

6. Average daily number meals served at less than prevailing charge \_\_\_\_\_

7. Average daily number meals served without charge \_\_\_\_\_

8. Total number of meals served during month, by type and maximum rate of payment:

Type A ..... @ \$0.09      Type B ..... @ \$0.06      Type C ..... @ \$0.02

Without milk:

Type A ..... @ \$0.07      Type B ..... @ \$0.04

9. Amount claimed, \$ \_\_\_\_\_  
(Not to exceed purchase cost of designated foods used during month)

I (WE) CERTIFY that the above number of meals were served and that the amount claimed was expended for food designated in the agreement; that those foods were purchased and used strictly in accordance with the terms of the aforementioned contract; that prices paid were no higher than those prevailing in this area; that the amount claimed herein does not include State or local sales taxes; that the claim is correct and just, and that payment therefor has not been received.

(Signed) \_\_\_\_\_  
(Sponsoring agency)

By \_\_\_\_\_

\_\_\_\_\_  
(Title) \_\_\_\_\_  
(Program supervisor)

\_\_\_\_\_  
(Date) \_\_\_\_\_ (Date) \_\_\_\_\_

(Title 18, Section 30, of the United States Code makes it a criminal offense, punishable by a maximum of 10 years' imprisonment, \$10,000 fine, or both, to make or present or cause to be made or presented for payment any claim against any department or officer of the United States knowing it to be false, fictitious, or fraudulent.)